

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE MAY 9, 2002

AMENDED IN SENATE APRIL 1, 2002

**SENATE BILL**

**No. 1474**

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**Introduced by Senator Alpert**

February 19, 2002

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An act to amend Sections 51747 and 51747.5 of, and to add ~~Sections 37252.3 and 51749.4~~ *Section 37252.3* to, the Education Code, relating to independent study.

LEGISLATIVE COUNSEL'S DIGEST

SB 1474, as amended, Alpert. Independent study.

Existing law authorizes the governing board of a school district or county office of education to offer independent study to meet the educational needs of pupils in accordance with certain requirements. Under existing law, a school district or county office of education is not eligible to receive apportionments for independent study by pupils unless it has adopted written policies pursuant to rules and regulations adopted by the Superintendent of Public Instruction. Existing law authorizes school districts and county offices of education to claim apportionment credit for independent study only to the extent of the time value of pupil or student work products.

This bill would prohibit a school district or county office of education from claiming supplemental instruction funding for hourly instruction if that instruction is provided through independent study to a pupil on a day when that pupil's attendance is counted toward the regular 180 day school year. ~~The~~

*The bill would require a school district and county office of education policies regarding independent study to include a procedure to review coursework offered through independent study to ensure that it is consistent with local and state academic content standards, a requirement that pupils receive academic credit for coursework provided through independent study only after completing a locally adopted end-of-course or other assessment that is given with a proctor present, and a procedure to ensure that high school pupils served through independent study have access to the coursework necessary to make them eligible for admission to the University of California and that all pupils served through independent study are being monitored for satisfactory academic progress.*

The bill would require a school district or county office of education to be directed to comply with certain independent study requirements if it is determined that the district or county office has not complied with independent study requirements, but would not subject the district or county office to financial penalties if policies are brought in compliance within 6 months of the final audit report. If the audit report determines that a district or county office repeatedly fails to comply with independent study requirements, the bill would require the Superintendent of Public Instruction to reduce the district's or county office's funding, as specified.

The bill would require the Superintendent of Public Instruction to approve at least one model independent study written agreement for each of prescribed groups of pupils. If the models are used, a school district or county office of education would be deemed to be in compliance as to form with certain independent study requirements.

The bill would authorize independent study time values to include work completed independently and work completed in a classroom or laboratory setting. *The bill would authorize requiring a pupil served through independent study may be required to attend classroom or laboratory sessions as a condition of participation in independent study or as part of a particular assignment.*

~~The bill would authorize the State Board of Education to require 10 school districts or county offices of education per fiscal year to submit information regarding their independent study offerings. The bill would require these school districts and county offices of education to be identified by a prescribed method based on the proportion of their independent study average daily attendance. The bill would authorize the State Board of Education to require these districts and county offices~~

~~to certify that all revenues generated by independent study will be expended on independent study pupils and to reduce their revenue limit apportionment for average daily attendance for failure to comply with the certification.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 37252.3 is added to the Education Code,  
2 to read:

3 37252.3. Notwithstanding any other provision of law, a  
4 school district or county office of education may not claim funding  
5 pursuant to Sections 37252, 37252.2, 37252.5, 37252.6, or  
6 37252.8, for hourly instruction if that instruction is provided  
7 through independent study to a pupil on a day when that pupil's  
8 attendance is counted toward the regular 180-day school year. This  
9 section does not prohibit a district or county office of education  
10 from claiming funding for instructional hours provided through  
11 independent study during intersession or summer school.

12 SEC. 2. Section 51747 of the Education Code is amended to  
13 read:

14 51747. (a) Except as provided in subdivision (b), a school  
15 district or county office of education shall not be eligible to receive  
16 full revenue limit apportionments for independent study by pupils,  
17 regardless of age, unless it has adopted written policies, pursuant  
18 to rules and regulations adopted by the Superintendent of Public  
19 Instruction, that include, but are not limited to, all of the following:

20 (1) The maximum length of time, by grade level and type of  
21 program, that may elapse between the time an independent study  
22 assignment is made and the date by which the pupil must complete  
23 the assigned work.

24 (2) The number of missed assignments that will be allowed  
25 before an evaluation is conducted to determine whether it is in the  
26 best interests of the pupil to remain in independent study, or  
27 whether he or she should return to the regular school program. A  
28 written record of the findings of any evaluation made pursuant to  
29 this subdivision shall be maintained in the pupil's permanent  
30 record.

1 (3) *A procedure to review coursework offered through*  
2 *independent study to ensure that it is consistent with local and state*  
3 *academic content standards.*

4 (4) *A requirement that high school pupils, and where*  
5 *appropriate, elementary and middle school pupils, receive*  
6 *academic credit for coursework provided through independent*  
7 *study only after completing a locally adopted end-of-course or*  
8 *other assessment that is given with a proctor present.*

9 (5) *A procedure to ensure that high school pupils served*  
10 *through independent study have access to the coursework*  
11 *necessary to make them eligible for admission to the University of*  
12 *California and that all pupils served through independent study*  
13 *are being monitored for satisfactory academic progress.*

14 (6) *A requirement that a current written agreement for each*  
15 *independent study pupil shall be maintained on file including, but*  
16 *not limited to, all of the following:*

17 (A) *The manner, time, frequency, and place for submitting a*  
18 *pupil's assignments and for reporting his or her progress.*

19 (B) *The objectives and methods of study for the pupil's work,*  
20 *and the methods utilized to evaluate that work.*

21 (C) *The specific resources, including materials and personnel,*  
22 *that will be made available to the pupil.*

23 (D) *A statement of the policies adopted pursuant to*  
24 *subdivisions (a) and (b) regarding the maximum length of time*  
25 *allowed between the assignment and the completion of a pupil's*  
26 *assigned work, and the number of missed assignments allowed*  
27 *prior to an evaluation of whether or not the pupil should be allowed*  
28 *to continue in independent study.*

29 (E) *The duration of the independent study agreement,*  
30 *including the beginning and ending dates for the pupil's*  
31 *participation in independent study under the agreement. No*  
32 *independent study agreement shall be valid for any period longer*  
33 *than one semester, or one-half year for a school on a year-round*  
34 *calendar.*

35 (F) *A statement of the number of course credits or, for the*  
36 *elementary grades, other measures of academic accomplishment*  
37 *appropriate to the agreement, to be earned by the pupil upon*  
38 *completion.*

39 (G) *The inclusion of a statement in each independent study*  
40 *agreement that independent study is an optional educational*

1 alternative in which no pupil may be required to participate. In the  
2 case of a pupil who is referred or assigned to any school, class, or  
3 program pursuant to Section 48915 or 48917, the agreement also  
4 shall include the statement that instruction may be provided to the  
5 pupil through independent study only if the pupil is offered the  
6 alternative of classroom instruction.

7 (H) Each written agreement shall be signed, prior to the  
8 commencement of independent study, by the pupil, the pupil's  
9 parent, legal guardian, or caregiver, if the pupil is less than 18 years  
10 of age, the certificated employee who has been designated as  
11 having responsibility for the general supervision of independent  
12 study, and all persons who have direct responsibility for providing  
13 assistance to the pupil. For purposes of this paragraph "caregiver"  
14 means a person who has met the requirements of Part 1.5  
15 (commencing with Section 6550) of the Family Code.

16 (b) (1) If an auditor or state agency determines that a school  
17 district or county office of education has not complied with all the  
18 requirements of this section, but that educational services are  
19 generally being provided in accordance with the intent of this  
20 section, the school district or county office of education shall be  
21 directed to comply with the requirements where noncompliance is  
22 identified and is not subject to financial penalty if policies are  
23 brought into compliance within six months of the final audit  
24 report.

25 (2) If an auditor or state agency determines that a school district  
26 or county office of education has not complied with all the  
27 requirements of this section and the school district or county office  
28 of education demonstrates repeated failure to comply with this  
29 section or is offering educational services that do not meet the  
30 intent of this section, the Superintendent of Public Instruction shall  
31 reduce funding to the school district or county office of education,  
32 not to exceed the full amount received by the school district or  
33 county office of education for average daily attendance generated  
34 through independent study, as the superintendent judges  
35 appropriate in proportion to the overall compliance and levels of  
36 educational services provided through independent study.

37 (c) (1) By July 1, 2003, the Superintendent of Public  
38 Instruction shall approve at least one model written agreement for  
39 use with each of the following groups of pupils:

40 (A) Pupils in kindergarten and grades 1 to 5, inclusive.

- 1 (B) Pupils in grades 6 to 8, inclusive.  
2 (C) Pupils in grades 9 to 12, inclusive.  
3 (D) Students in adult education.

4 (2) If a school district or county office of education uses a  
5 model written agreement, it shall be deemed to be in compliance  
6 as to form with paragraph (3) of subdivision (a). The  
7 superintendent may revise the models as needed. The approved  
8 model agreements shall be deemed, as of July 1 of each fiscal year,  
9 as meeting the requirements of paragraph (3) of subdivision (a) as  
10 to form for that fiscal year. Compliance as to form does not  
11 substitute for the requirement that a school district or county office  
12 of education, as the case may be, use agreements that substantively  
13 comply with this section, including that the forms must be filled  
14 out correctly and that the forms must be consistent with the school  
15 district's or county office's written policies on independent study.

16 SEC. 3. Section 51747.5 of the Education Code is amended  
17 to read:

18 51747.5. (a) The independent study by each pupil or student  
19 shall be coordinated, evaluated, and, notwithstanding subdivision  
20 (a) of Section 46300, shall be under the general supervision of an  
21 employee of the school district or county office of education who  
22 possesses a valid certification document pursuant to Section 44865  
23 or an emergency credential pursuant to Section 44300, registered  
24 as required by law.

25 (b) School districts and county offices of education may claim  
26 apportionment credit for independent study only to the extent of  
27 the time value of pupil or student work products, as personally  
28 judged in each instance by a certificated teacher. The time values  
29 may include both work completed independently and work  
30 completed in a classroom or laboratory setting, so long as the total  
31 amount claimed for revenue limit purposes does not exceed one  
32 unit of average daily attendance for any individual pupil.

33 ~~SEC. 4. Section 51749.4 is added to the Education Code, to~~  
34 ~~read:~~

35 ~~51749.4. (a) The State Board of Education may require a~~  
36 ~~school district to submit a description of the programs it offers~~  
37 ~~using independent study and fiscal and other data, including both~~  
38 ~~revenues and expenditures, regarding its independent study~~  
39 ~~offerings. The State Board of Education shall identify school~~  
40 ~~districts that will be required to submit this information where the~~

1 ~~proportion of average daily attendance claimed by the school~~  
2 ~~district through independent study relative to the total average~~  
3 ~~daily attendance claimed by the school district substantially~~  
4 ~~exceeds the statewide average proportion for school districts of~~  
5 ~~similar size and type. The State Board of Education may also~~  
6 ~~identify school districts based on audit findings and parent, pupil,~~  
7 ~~or staff complaints.~~

8 ~~(b) The State Board of Education may identify up to 10 school~~  
9 ~~districts each fiscal year that will be required to comply with this~~  
10 ~~section.~~

11 ~~(c) (1) Based on a review of the program descriptions and the~~  
12 ~~related data, and based upon the recommendation of the~~  
13 ~~Superintendent of Public Instruction, the State Board of Education~~  
14 ~~may require the school district to certify that all revenues~~  
15 ~~generated by independent study for the following fiscal year will~~  
16 ~~be expended on pupils served through independent study.~~

17 ~~(2) If the financial audit of the following school year finds the~~  
18 ~~school district failed to expend all revenues generated by~~  
19 ~~independent study on pupils served through independent study as~~  
20 ~~may be required by subdivision (c), the State Board of Education~~  
21 ~~may direct the Superintendent of Public Instruction to reduce the~~  
22 ~~revenue limit apportionment for average daily attendance claimed~~  
23 ~~by that school district through independent study by up to 30~~  
24 ~~percent for each of the following three years.~~

25 ~~(d) For the purpose of this section, “school districts” includes~~  
26 ~~county offices of education.~~

27 *(c) A pupil served through independent study may be required*  
28 *to attend classroom or laboratory sessions as a condition of*  
29 *participation in independent study or as part of a particular*  
30 *assignment. Apportionment credit for work product resulting from*  
31 *classroom or laboratory attendance pursuant to this subdivision*  
32 *may be claimed pursuant to subdivision (b).*